IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929

Bail Appl..No. 5711 of 2007()

CMP.3188/2007 of J.M.F.C.,RANNI
CR.NO.9/07 OF CHITTAR EXCISE.

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PETITIONER/2ND ACCUSED

BABU, AGED 41 YEARS, S/O. BHASKARAN,
KIZHAKKEKKARA HOUSE, KADUMEENCHIRA,
ATHIKKAYAM, RANNI.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS:

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1. THE EXCISE INSPECTOR,
CHITTAR EXCISE RANGE.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO.5711 of 2007

Dated this the 24th day of August, 2007

ORDER

Application for regular bail. The petitioner is the 2nd accused. He along wit his wife faces allegations under the Kerala Abkari Act. They were found to be in possession of 15 litres of arrack on 14/7/07. The petitioner was arrested on 28/8/07. He continues in custody from that date. The learned Public Prosecutor submits that the petitioner or his wife has no history of any criminal antecedents.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that the Investigator is granted reasonable further time to complete the investigation and I am satisfied that the petitioner can now be directed to be enlarged on bail subject to appropriate terms and conditions.

3. **In the result:**

(a) This application is allowed. The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall not be released from custody on the strength of this order prior to 28/9/2007. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioner shall execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT, JUDGE)

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